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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,302	05/09/2005	Alain Flers	003D.0030.UI(US)	6013

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HARRINGTON & SMITH, LLP
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

EXAMINER

ROJAS, OMAR R

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/505,302	FLERS ET AL.	
	Examiner	Art Unit	
	Omar Rojas	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 0806.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed Action.

DETAILED ACTION

Response to Amendment

1. With regards to the amendment filed on May 11, 2006, all the requested changes to the claims have been entered. Claims 1 to 10 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3. The prior art documents submitted by Applicant(s) in the Information Disclosure Statement(s) ("IDS") filed on August 29, 2006 have all been considered and made of record (note the attached copy of form(s) PTO-1449).

Specification

4. The disclosure is objected to because of the following informalities: The specification appears to be a machine translation of a foreign document and is replete with verbose language and poor grammar. It is requested that Applicant(s) review the entire disclosure and provide more concise language and a more coherent grammatical structure where possible.

Appropriate correction is required.

Drawings

5. The application appears to be missing formal drawings. It is requested that formal drawings be submitted in response to this Office action. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Objections

6. Claims 1-10 are objected to because of the following informalities:
- a. In claim 1, the limitation "the optical fiber section" lacks a clear, antecedent basis.
 - b. In claim 5, the use of the phrases "such as" and "for example" appear to make the claim ambiguous. For purposes of this examination, the limitations after the words "such as" in claim 5 have not be given patentable weight since it is unclear whether these limitations are positively recited by the claim.
 - c. Claims 1-10 appear to be a machine translation of a foreign document and are generally narrative in form, if not indefinite. It is requested that Applicant(s) review the claims and redraft them in order to conform to current U.S. practice.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
9. **Claims 1, 2, 4, 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Patent No. 4,844,580 to Lynch et al. ("Lynch").**

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In re claims 1 and 2, Lynch discloses a module 26 comprising a package wherein said package has at least one optical waveguide section 18/19/24a interposed between an input optical port of the module and an output optical port of the module, wherein said optical waveguide section comprises at least one flared cone 19 enlarged at one end of the waveguide section and forming an optical input section, and further comprising an end lens 18. Figure 4 of Lynch is reproduced below.

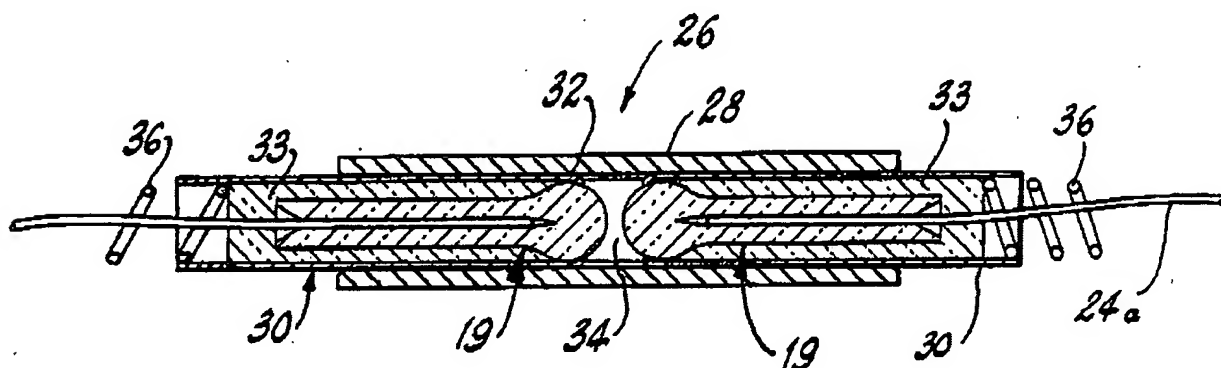


FIG. 4

Applicant is advised that the method of forming a device is not germane to the issue of patentability of the device itself. Thus, the "overmolded" and "overmolding" limitations recited by claims 1 and 2 have not been given patentable weight since overmolding is considered a method of forming the device and does not differentiate the structure of the device itself.

In re claim 4, the lens 18 is made of a same material as that of the optical section 19.

In re claim 6, the compression springs 36 are inherently made of some type of metal. The term "metallized" is a method of forming step and, therefore, is not given patentable weight for similar

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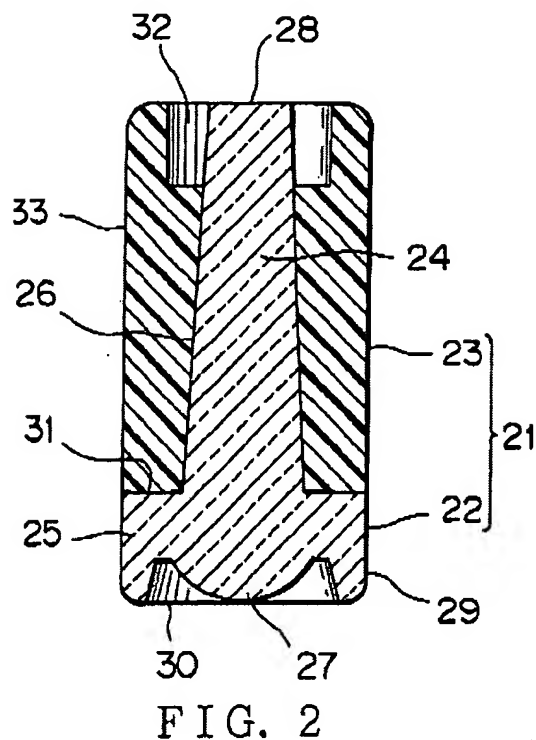
reasons to those mentioned with regards to claim 1.

In re claim 8, as seen in Figure 3, part of optical section 24a is bent to lead into a plane.

In re claim 9, sleeves 28 and 30 of Lynch may be considered "standardized" receptacles.

10. Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Patent No. US 6,491,443 B1 to Serizawa et al. ("Serizawa").

In re claims 1 and 2, Serizawa discloses a module (Figures 1-4) comprising a package wherein said package has at least one optical waveguide section 24 interposed between an input optical port of the module and an output optical port of the module, wherein said optical waveguide section 24 comprises at least one flared cone 26 enlarged at one end of the waveguide section and forming an optical input section, and further comprising an end lens 27. Figure 2 of Serizawa is reproduced below.



Applicant is advised that the method of forming a device is not germane to the issue of patentability of the device itself. Thus, the "overmolded" and "overmolding" limitations recited by claims 1 and 2 have not been given patentable weight since overmolding is considered a method of forming the device and does not differentiate the structure of the device itself.

In re claim 3, the package comprises a material 23 that has a refractive index lower than that of the optical section 24.

In re claim 4, the lens 27 is made of the same material as that of the optical section 24.

In re claim 5, the package comprises polycarbonate and "PMMA".

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In re claims 6 and 10, the recited limitations are disclosed by Serizawa at column 7, lines 1-6.

In re claim 7, Serizawa further discloses a pedestal 44 having gripping grooves 44a and 50a.

In re claim 9, Serizawa discloses a "standardized" receptacle 42.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patent No. 4,737,004 to Amitay et al. anticipates one or more of the claims but is not being applied as prior art at this time.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (571) 272-2357. The examiner can normally be reached on Monday-Friday (12:00PM-8:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick, can be reached on (571) 272-2344. The official facsimile number for regular and After Final communications is (571) 273-8300. The examiner's RightFAX number is (571) 273-2357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Omar Rojas
Patent Examiner
Art Unit 2874

or
September 8, 2006



**SUNG PAK
PRIMARY EXAMINER**